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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,826	07/21/2000	Reza Majidi-Ahy	164.1017.01	4409
22883 7590 08/06/2007 SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013			EXAMINER JONES, PRENELL P	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/620,826

Applicant(s)

MAJIDI-AHY ET AL.

Examiner

Prenell P. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/24/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-12, 14-17 and 35-44, 46-49, 60-68, 70-77, 79-83 and 85-87, is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 35-44, 46-49, 60-68, 70-77, 79-83 and 85-87 is/are allowed.
- 6) ☒ Claim(s) 4, 6-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/24/07, 4/30/07.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 30, 2007 has been entered.

2. The indicated allowability of claims 4-12 and 14-17 is withdrawn in view of the newly discovered reference(s) to Jorgensen (US PG PUB 20030067903) in view of Youssefmir et al (US Pat. 6,141,567). Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 4, 6-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorgensen (US PG PUB 20030067903) in view of Youssefmir et al (US Pat. 6,141,567).

Regarding claim 4, Jorgensen (US PG PUB 20030067903) discloses an IP classification communication system as it is associated with a plurality of OSI layers with respect in a TDD system, wherein set of parameters/QoS mechanisms for each individual IP flow as to monitor and minimize interference, whereby modifications are made to parameter values based on QoS requirements (Abstract, paragraphs 0143, 0145, 0155, 0162, 0169, 0174). However, Jorgensen is silent on a first set of parameters and a second set of parameters, which is a result from adjusting parameter values of a first set of values.

In a mobile communication environment, wherein interference is monitored and minimized, Youssefmir et al (US Pat. 6,141,567) discloses changing an interference environment, wherein the architecture includes generator utilizing set of parameters, whereby there exists a primary set of data (initial set of parameters) and a secondary set of data, wherein the second set of data are modifications and updates associated with computational resources (second set of parameters), which are associated with changing interference environment, (Abstract, col. 3, line 49 thru col. 4, line 35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a first set of parameters and a second set of parameters, which is a result from adjusting parameter values of a first set of values as taught by Youssefmir with the teachings of Jorgensen for the purpose of further minimize interference in a wireless environment by optimizing parameters

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Regarding claim 6, Jorgensen further discloses a set of parameters include retransmission values, TDD, acknowledgments, payload bit size, transmission window size (paragraph 0155, 0158, 0159, 0162, 0178, 0269, 0271, 02740).

Regarding claim 7, Jorgensen further discloses a set of parameters include bit error rate, CRC/error code type, power values (paragraph 0090, 0095, 0445, 0447).

Regarding claim 8 -11, Jorgensen further discloses a plurality of channels, wherein the channels utilize IP traffic flow, TDMA, FDMA, CDMA (Abstract, paragraph 0103, 0126).

Regarding claim 12 and 14-17, Jorgensen further discloses utilizing plurality of layers which include MAC, link, network, ATM, physical and, transport (paragraphs 0155, 0249, 0291, 0337, 0340, 0343, 0345, 0355, 0389), and the Application layer accommodates teleconferencing (voice and video information).

***Allowable Subject Matter***

1. Claims 5, 35-44, 46-49, 60-68, 70-77, 79-83 and 85-87 are allowed over prior art.

The prior art fail to teach or suggest with respect to independent claim 4 and 60 obtaining characteristics of a communication system in response to a first set of values and determining a second set, adjusting includes calculating a newer set of values for link in response to a combination of an older set of values and an adjusted set of values, with respect to 79, optimizing includes selection with regard to optimal performance in response to separate conditions for individual links, with respect to claim 46-48 and 85, time-varying adjustment responsive to a set of QoS application requirements, with respect to claim 86, time-varying

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adjustment responsive to a set of time-delays or time variations for application service latency, with respect to claim 74, time-varying adjustment is operative to simultaneously adjust multiple ones of plurality of communication parameters, and optimizing includes a set of limits for capacity and coverage, with respect to claim 35, time-varying adjustment is operative to simultaneously adjust multiple ones of plurality of communication parameters and with respect to claim 87, time-varying adjustment is independent with regard to each independent channel, wherein time-varying adjustment for at least one of said independent channels is responsive to a type of application service provided over said independent channel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

July 27, 2007

  
WING CHAN 8/2/07  
SUPERVISORY PATENT EXAMINER